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7       WELLS FARGO BANK,  
8                                  Plaintiff,  
9                                  v.  
10      GARY ROBINSON, et al.,  
11                                  Defendants.

12                                  Case No. 14-cv-05532-MEJ

13                                  **ORDER TO SHOW CAUSE**

14                                  On December 18, 2014, Defendant Eugenia Castaneda removed this unlawful detainer  
15                                  action from Alameda County Superior Court. However, an unlawful detainer action does not arise  
16                                  under federal law but is purely a creature of California law. *Wells Fargo Bank v. Lapeen*, 2011  
17                                  WL 2194117, at \*3 (N.D. Cal. June 6, 2011); *Wescom Credit Union v. Dudley*, 2010 WL  
18                                  4916578, at \*2 (C.D. Cal. Nov. 22, 2010). Thus, it appears that jurisdiction is lacking and the case  
19                                  should be remanded to state court. Accordingly, the Court ORDERS Defendant Eugenia  
20                                  Castaneda to show cause why this case should not be remanded to the Alameda County Superior  
21                                  Court. Defendant shall file a declaration by January 2, 2015, and the Court shall conduct a hearing  
22                                  on January 15, 2015 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San  
23                                  Francisco, California. In the declaration, Defendant must address how this Court has jurisdiction  
24                                  over the unlawful detainer claim.

25                                  Defendant should be mindful that an anticipated federal defense or counterclaim is not  
26                                  sufficient to confer jurisdiction. *Franchise Tax Bd. of Cal. v. Constr. Laborers Vacation Trust*,  
27                                  463 U.S. 1, 10 (1983); *Berg v. Leason*, 32 F.3d 422, 426 (9th Cir. 1994). “A case may not be  
28                                  removed to federal court on the basis of a federal defense, . . . even if the defense is anticipated in  
  the plaintiff’s complaint, and even if both parties admit that the defense is the only question truly

1 at issue in the case.” *ARCO Envtl. Remediation, LLC v. Dep’t of Health and Envtl. Quality of the*  
2 *State of Montana*, 213 F.3d 1108, 1113 (9th Cir. 2000); *see also Valles v. Ivy Hill Corp.*, 410 F.3d  
3 1071, 1075 (9th Cir. 2005) (“A federal law defense to a state-law claim does not confer  
4 jurisdiction on a federal court, even if the defense is that of federal preemption and is anticipated  
5 in the plaintiff’s complaint.”). Thus, any anticipated defense, such as a claim under the Protecting  
6 Tenants at Foreclosure Act, Pub.L. No. 111-22, § 702, 123 Stat. 1632 (2009), is not a valid  
7 ground for removal. *See e.g. Aurora Loan Serv., LLC v. Montoya*, 2011 WL 5508926, at \*4 (E.D.  
8 Cal. Nov. 9, 2011); *SD Coastline LP v. Buck*, 2010 WL 4809661, at \*2–3 (S.D. Cal. Nov. 19,  
9 2010); *Wescom Credit Union v. Dudley*, 2010 WL 4916578, at 2–3 (C.D. Cal. Nov. 22, 2010);  
10 *Aurora Loan Serv., LLC v. Martinez*, 2010 WL 1266887, at \* 1 (N.D. Cal. March 29, 2010).

11 **IT IS SO ORDERED.**

12 Dated: December 19, 2014

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16 MARIA-ELENA JAMES  
17 United States Magistrate Judge  
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